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In re Application of	:	
Eatherton et al.	:	DECISION ON
Application No.: 10/524,469	:	
PCT No.: PCT/EP03/09221	:	REQUEST UNDER
Int. Filing Date: 19 August 2003	:	
Priority Date: 21 August 2002	:	37 CFR 1.42
Attorney's Docket No.:P33098USW	:	
For: PYRIMIDINES COMPOUNDS	:	

This is a decision on the papers filed 23 August 2005 which are being treated as a request under 37 CFR 1.42.

BACKGROUND

On 19 August 2003, applicants filed international application PCT/EP03/09221, which claimed priority of an earlier British applications, the earliest of which was filed 21 August 2002. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 04 March 2004. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 21 February 2005.

On 14 February 2005, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, *inter alia*, the requisite basic national fee as required by 35 U.S.C. 371(c)(1).

On 08 August 2005, the United States Patent and Trademark Office in its capacity as an Elected Office mailed the "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) indicating that applicant was required to file an oath/declaration and a surcharge fee. The notification set a two-month time period in which to respond.

On 23 August 2005, applicants filed the current response which included an executed declaration for inventors Eatherton, Giblin, Mitchell, Naylor, Rawlings, Slingsby, Whittington, and Doughty as executor for Richard Howard Green.

DISCUSSION

Applicant's declarations are being treated as a request under 37 CFR 1.42.

With respect to applicants' declarations in the current application, 37 CFR 1.42 states, in part:

In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

37 CFR 1.497 states, in part:

- (a) When an applicant of an international application desires to enter the national stage under 35U.S.C. 371 pursuant to 1.494 or 1.495, he or she must file an oath or declaration that:
 - (1) Is executed in accordance with either 1.66 or 1.68;
 - (2) Identifies the specification to which it is directed;
 - (3) Identifies each inventor and the country of citizenship of each inventor; and
 - (4) States that the person making the oath or declaration believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought.
- (b) (1) The oath or declaration must be made by all of the actual inventors except as provided for in 1.42, 1.43 or 1.47.
- (2) If the person making the oath or declaration is not the inventor, the oath or declaration shall state the relationship of the person to the inventor, the facts required by 1.42, 1.43 or 1.47, and, upon information and belief, the facts which the inventor would have been required to state. If the person signing the oath or declaration is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence and mailing address of the legal representative.

The declarations filed 23 August 2005 appear to identify the citizenship, residence and mailing address of the named executor (Jennifer Doughty), but fail to properly identify the citizenship, residence and mailing address of the deceased inventor (Richard Green). Accordingly, the declaration is not acceptable under 37 CFR 1.497.

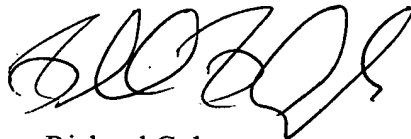
CONCLUSION

Applicants' request under 37 CFR 1.42 is **DISMISSED** without prejudice.

If reconsideration of this decision is desired, a proper response, i.e., a declaration in compliance with 37 CFR 1.497(a)-(b), must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Request Under 37 CFR 1.42". Extensions of time may be obtained under 37 CFR 1.136(a). **FAILURE TO RESPOND WITH RESULT IN ABANDONMENT OF THE APPLICATION.**

Please direct further correspondence with respect to this matter to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, VA 22313-1450, and with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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